

Service Date: August 2, 1988

FINAL ORDER NO. 5869

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION

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| In the Matter of the Application of |) | DOCKET NO. T-9278 |
| DAIRY EXPRESS, INC., Gresham, Oregon |) | |
| for a Certificate of Public Conven- |) | ORDER NO. 5869 |
| ience and Necessity. |) | |

The Commission, having taken evidence and being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On June 27, 1988, Dairy Express, Inc., 3660 S.E. 25th, Gresham, Oregon 97030, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing the transportation of manufactured dairy products, Class C, from Bozeman, Montana, on the one hand to Billings, Lewistown, Great Falls, Whitehall, Butte, Missoula and Helena, Montana, on the other. Limitations: All shipments must originate or terminate in Bozeman, Montana.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public July 6, 1988. That notice said in pertinent part:

If no written protests are received by July 26, 1988, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. No protests or responses of any kind were received.

4. The record of this application is available for inspection at the Public Service Commission Office, 2701 Prospect Avenue, Helena, Montana 59620-2601.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 2701 Prospect Avenue, Helena, Montana, on the 1st day of August, 1988, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-9278, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of DAIRY EXPRESS, INC., Gresham, Oregon for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent: Manufactured dairy products, Class C, from Bozeman, Montana, on the one hand to Billings, Lewistown, Great Falls, Whitehall, Butte, Missoula and Helena, Montana, on the other. Limitations: All shipments must originate or terminate in Bozeman, Montana.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by certified mail to the Applicant herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 1st day of August, 1988, by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

CLYDE JARVIS, Chairman

HOWARD L. ELLIS, Vice Chairman

JOHN B. DRISCOLL, Commissioner

DANNY OBERG, Commissioner

TOM MONAHAN, Commissioner

ATTEST:

Carol A. Frasier
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.